

June 30, 2003

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Columbus Center
PROJECT MUNICIPALITY : Columbus Avenue/Clarendon Street
/Berkeley Street - Boston
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 12459R
PROJECT PROPONENT : Columbus Center Associates
DATE NOTICED IN MONITOR : May 24, 2003

As Secretary of Environmental Affairs, I determine that the Final Environmental Impact Report (FEIR) submitted on the above project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

The development of a multi-building air rights project on this site will cover over the existing cut of the Massachusetts Turnpike Extension, and will help to knit together several existing neighborhoods in the City of Boston. This project also has the potential to advance the policy goals of smart growth by encouraging development to occur near existing infrastructure and the Commonwealth's mass transit network.

MEPA review is an informal process, which does not itself result in any formal adjudicative decision approving or disapproving a project. In accordance with Section 11.08(8)(c) of the MEPA Regulations, I must find a Final EIR adequate so long as I find that "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during MEPA review, that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings...." After examining the record before me, I find that

there is enough information on the project and alternatives, impacts, and mitigation to meet that regulatory standard.

Project Description

As described in the FEIR, the proposed project consists of the construction of approximately 1,326,566 square feet (sf) of mixed-use space, and three parking garages with a total of about 917 spaces. The project will include about 517 housing units and 199 hotel rooms. It is located on about 6.95 acres, with about 6.15 acres on air rights above land owned by the Massachusetts Turnpike Authority (MTA) and the rail tracks of the MBTA, Amtrak, and CSX between Clarendon and Arlington Streets. About 0.25 acres of the site is privately owned land, and 0.55 acres is land owned by the MTA. Four MTA air rights parcels (16, 17, 18, and 19) will be built upon: 101 Clarendon; 100 Berkeley; 171 Arlington; and the Parcel 19 Park.

A 199-room hotel, 160 units of residential space, a 30,000 sf health club, and other restaurant/retail space with 186 parking spaces are proposed at 101 Clarendon. 100 Berkeley will consist of 216 condominium and rental residential units, a 23,842 sf public open space/park area, and 12,000 sf of ground-level retail/restaurant space with 98 parking spaces. 171 Arlington contains 141 residential units, 8,800 sf of day care space, a 10,800 sf neighborhood grocery store, 633 parking spaces, and a 1,990 sf pocket park on Cortes Street. The proponent is proposing to construct a 11,351 sf fenced park on Parcel 19 for community use. The total amount of open space included in the project is 37,183 sf. The maximum height for the project will be 35 stories at 101 Clarendon, 14 stories at 100 Berkeley, and 7 stories at 171 Arlington.

Project Regulatory Environment:

The project required a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it will generate 3,000 or more new (unadjusted) vehicle trips per day. Because the proponent is seeking a land transfer (in the form of leased air rights) from state agencies for most of the project site, under MEPA regulations there is broad scope jurisdiction, extending to all aspects of the project that may have significant environmental impacts. The proposed project is subject to coordinated review by the Boston Redevelopment Authority (BRA) under the Article 80 project review process of the Boston Zoning Code and a Memorandum of Agreement between the MTA and the BRA.

Final EIR:

The Certificate on the DEIR required the proponent to provide additional information on several issues. These included: an alternatives analysis; traffic; parking; transit; air quality; transportation demand management; historic resources/open space; shadow and wind impacts; visual/aesthetics; drainage; construction; wastewater; groundwater; and mitigation.

The FEIR analyzed the Preferred Alternative and the Shared Neighborhood Vision Alternative. As required in the original EIR Scope and in my Certificate on the Draft EIR, the proponent provided information on project economics and cost components that assisted in demonstrating why the Preferred Alternative was selected. The information on project economics has been useful in better understanding why other specific development scenarios are not feasible, particularly in light of the complex nature and costs associated with air rights development projects. The information on project economics in the FEIR was also useful in understanding the high premium costs associated with fully decking Parcel 18, making such an alternative infeasible at this time.

The proponent has estimated that the project will generate approximately 2,286 new vehicle trips when the rates are adjusted using Boston Transportation Department (BTD) accepted mode splits. The proponent estimates that the mode split will be 24 percent for transit, 46 percent for walking, and 30 percent for auto. In the FEIR, trip generation data included valet parking trips. The FEIR traffic analysis focused on the Berkeley, Arlington, and Clarendon Street corridors. It identified traffic mitigation measures and included a copy of the draft Transportation Access Plan Agreement with the BTD.

The proponent is proposing 917 parking spaces in three garages. The project will provide hotel parking at a rate of 0.5 spaces per room, and it will provide residential spaces at a rate of one space per unit (517 spaces). Fifty-five parking spaces are replacement spaces. Zipcar, the Boston Fire Department, and the daycare center will use another 25 spaces. With approximately 220 spaces remaining, the proponent is proposing to use 100 parking spaces for neighbors and 120 spaces for project residents and neighbors. The FEIR summarized the proponent's parking supply requirements by use. It discussed residential and hotel parking ratios. The FEIR identified parking demand by time of day. It compared the parking ratios at

nearby residential projects. The FEIR discussed on-street parking lost, taxi stands, and construction worker parking.

The FEIR identified that the MBTA is planning to provide capacity improvements to both the Green and Orange Lines by 2007. It discussed Green and Orange Line peak hour capacity in the study area. According to the proponent's analysis, there is additional ridership capacity for both lines. The proponent has committed to continue to work with the MBTA to resolve transit capacity demand during peak periods on the Orange and Green Lines.

The FEIR provided an odor analysis of diesel trains and truck exhaust in the vicinity of the project. It summarized the MTA's Venting Study. The proponent has analyzed the air quality monitoring results, and it does not believe that a high-level ventilation stack is required with the Columbus Center buildout. However, when Parcels 20-23 are covered, additional ventilation may be required. The proponent has reserved a location within Parcel 18 for a potential ventilation structure. In its comment letter, DEP has stated that this project will be subject to ventilation certification regulations. I recommend that the MTA and the proponent meet with DEP and the CA/T Project to discuss how this project is complying with the requirements of 310 CMR 7.38 regarding tunnel ventilation systems for highway projects.

The FEIR provided additional elevation drawings with more detailed design of the project components. It described the open space in greater detail. The FEIR addressed concerns regarding shadow impacts on the Boston Public Garden/Boston Common and pedestrian wind levels around the project. The proponent demonstrated that the project will be consistent with DEP's Stormwater Management Policy. The FEIR provided additional wastewater infiltration/inflow measures. It identified a program of groundwater monitoring, and the proponent has committed to work with the Boston Groundwater Trust.

In the FEIR, the proponent presented the following aspects of the project as public benefits as required by state legislation, which authorized the sale of MTA air rights:

- Cover approximately 7 acres of Turnpike and rail corridor at a cost of over \$45 million.
- Generate approximately \$4-\$5 million in new annual property taxes.

- Develop about 50 new affordable housing units on-site (approximately \$5 million).
- Create a 23,842 sf park on Parcel 17, a 1,990 sf of open space and pocket park on Parcel 18, an 11,351 sf park on Parcel 19, and enhance the children's play area at the end of Chandler Street (approximately \$12 million).
- Improve the streetscape by installing widened brick sidewalks, granite curbs, historic street lighting, and over 50 new street trees on Arlington Street, Clarendon Street, Berkeley Street, Columbus Avenue, and Cortes Street (about \$2 million).
- Provide a new neighborhood grocery store, day care center, and other neighborhood retail to the community, at rents subsidized by the proponent.
- Create about 350 new permanent jobs and 2,000 construction/trades jobs.

Summary of Mitigation:

The Massachusetts Environmental Policy Act requires project proponents to avoid or minimize and mitigate environmental impacts. In the FEIR, the proponent has committed to the following mitigation measures:

- Improve the MBTA Clarendon Street/Columbus Avenue entrance/exit for Back Bay Station on the Orange Line and the Berkeley Street exit for commuter rail (about \$1 million).
- Participate in funding a study to suggest capacity improvements for the Green and Orange Lines.
- Modify the intersection of Cortes Street/Arlington Street/Turnpike Ramp/Marginal Road.
- Adjust the signal timing at Arlington Street/Columbus Avenue/Stuart Street.
- Tie in an existing airport shuttle service to the project site.
- Implement a Transportation Demand Management (TDM) Program that includes: on-site transportation coordinator; on-site sale of MBTA daily and monthly passes; one free annual MBTA monthly pass per residential unit during the first year of operation (about \$270,000); subsidize the MBTA monthly pass

program for employees on-site; guaranteed ride home for employees; ten parking places for ZipCar; RideSource ride-matching program; ride matching program for employees; secure bicycle storage for residents and commuters within garages; provision of on-site bicycle racks and showers; bicycle rental for residents; and automatic teller machine facilities.

- Monitor on-site groundwater observation wells on a monthly basis beginning 6 months before the start of construction and for 6 months after construction has ended.
- Install ten more observation wells around the site and to turn the wells over to the Boston Groundwater Trust for long-term monitoring.
- Implement a building-monitoring program during construction.
- Separate 520 feet of existing combined sewer in Cortes Street and other existing combined storm/sewer in other parts of the South End and Bay Village (about \$800,000).

In accordance with Section 11.12(5)(e) of the MEPA regulations, a copy of each final Section 61 Finding should be provided to the MEPA Office for completion of the file.

June 30, 2003

DATE

Ellen Roy Herzfelder

cc: Stephen Lipman, DEP/Boston
John Felix, DEP/NERO
Representative Paul C. Demakis
Representative Byron Rushing
Andrew Brennan, MBTA
Stephen J. Hines, MTA

Comments received:

Marianne B. Abrams, 5/27/03
Ed Allan, 5/27/03
V. Smith, 6/1/03
Unknown, 6/1/03
Sang Hwang, 6/1/03

David R. Nash, 6/1/03
Unknown, 6/1/03
Kristie Wilkins, 6/1/03
Sean Wall, 6/1/03
Patricia O'Donnell, 6/2/03
Jennifer S. Girvin, 6/9/03
Susan Brennan, 6/11/03
Lindsey Lambert, 6/11/03
Betsy Hall, 6/11/03
Metropolitan Highway System Advisory Board, 6/11/03
Susan Brennan, 6/11/03
Kelly Youngs, 6/12/03
Nathaniel Milner, 6/13/03
Rachel Loeb, 6/16/03
Eric L. Sonnabend, 6/16/03
Cheryl Smith, 6/16/03
Roseanne Monarch, 6/16/03
Mark Chardavoyne, 6/16/03
Bruce Petri, 6/16/03
Susan D. Prindle, 6/16/03
Ellen & Michael Sandler, 6/16/03
Jeremy Fingerman, 6/16/03
Peter Daly, 6/16/03
Form Letters (three), 6/16/03
Marcia Kean, 6/16/03
Dina Alper, 6/16/03
Peter Logan, 6/17/03
Samantha Ritchie, 6/17/03
Ben Newman, 6/17/03
Tony Texiera, 6/17/03
Rosie Vaughan, 6/17/03
Anthony J. Amal, 6/17/03
Peter A Nottonson, 6/17/03
Jean L. Farr, 6/17/03
Gail Beverley, 6/17/03
Larry D. Kurtz, 6/17/03
Bristol Property Management, 6/18/03
Drusa & Carl Heidle, 6/18/03
J. Richardson Gray, 6/18/03
Ken W. Shulman, 6/18/03
Roger D. Mazur, 6/18/03
Edwina Yezierski, 6/18/03
Mrs. Adrian Grey, 6/18/03
David and Bruce Hedison, 6/19/03
Jeffrey Timberlake, 6/19/03
Gerald Singleton, 6/19/03
David M. Gural, 6/19/03
Ivan Daniels, 6/19/03

Winston Rodriguez, 6/19/03
Susan M. Buta, 6/19/03
Ray Cooper, 6/19/03
David O'Brien, 6/19/03
Audrey Thomas, 6/19/03
Yanni Tsipis, 6/19/03
Carmen Sanchez, 6/19/03
Bethel Neives, 6/19/03
Emilio Murillo, 6/19/03
Robert Sherwood, 6/19/03
Luz Pinet, 6/19/03
William & Rene Dranburg, 6/19/03
Semean Auguste, 6/19/03
Marylyn Carrion, 6/19/03
Kathleen McCarthy, 6/19/03
Lisa Ann Marrlett, 6/19/03
Roger D. Hohman, 6/19/03
Joseph Raffol, 6/19/03
Elizabeth S. Boveroux, 6/19/03
Otis Strom, 6/19/03
Jerome P. Daniels, 6/19/03
Michael P. Ward, 6/19/03
Arlene C. Levitt, 6/19/03
Edward M. Levitt, 6/19/03
Eustace Fitzpatrick, 6/19/03
Susan Scott, 6/19/03
Joseph Nawrocki, 6/19/03
Elissa Pogorski, 6/19/03 (Petition Opposed to Project Signed by
over 200 Residents)
Peter Pogorski, 6/19/03
Edward Jay Allan, 6/19/03
Keith W. Graham, 6/19/03
Frederick & Ann Gleason, 6/19/03
Jennifer Lowe, 6/19/03
Luanne W. Pryor, 6/19/03
Manya Chylinski, 6/19/03
Mark R. Yessia, 6/19/03
Karen Young, 6/19/03
Eric G. Cordes, 6/19/03
Techler Fleurenvil, 6/19/03
Elliott Laffer, 6/19/03
Michael Clarke, 6/19/03
Louis Echevarria, 6/19/03
Sandra Berry, 6/19/03
Edward I. Shifman, 6/19/03
Kathleen Emrich, 6/19/03
Michael H. Nairne, 6/19/03
Walter E. Mercer, 6/19/03

John & Mary McEachern and Evelyn Hayes, 6/20/03
June McCourt, 6/20/03
Emily Tiberio, 6/20/03
Kathleen Kolar, 6/20/03
Greater Boston Real Estate Board, 6/20/03
Patrick Butler, 6/20/03
Stephen W. Wolfe, 6/20/03
Bay Village Neighborhood Assoc., 6/20/03
Boston Preservation Alliance, 6/20/03
Warren A. Johnson, 6/20/03
Eugene F. Kelly, 6/20/03
Abigail Ross, 6/20/03
Elliss Memorial & Eldredge House, 6/20/03
M.M. Castellani, 6/20/03
Anne Swanson, 6/20/03
Jack Gregg, 6/20/03
David S. Mundel, 6/20/03
Elena Goyanes, 6/20/03
Paul F. May, Jr., 6/20/03
Meredith Chin, 6/20/03
George Davis, 6/20/03
Raffi R. Berberian, 6/20/03
Jeremiah Foley, 6/20/03
George N. Cole, 6/20/03
Ping Wu, 6/20/03
Patricia Kennedy, 6/20/03
Margaret Pokorny, 6/20/03
Leah Nieves, 6/20/03
Ms. Zerlean Gary, 6/20/03
Ann N. Mittelstadt, 6/20/03
E. Lorraine Baugh, 6/20/03
Christine Sullivan, 6/20/03
Heather Beardsley, 6/20/03
Lois H. Johnson & Claire Barden, 6/20/03
GLC Development Resources, 6/21/03
Gordon Holmes, 6/21/03
Maureen E. Rooney, 6/21/03
Molly Mosier, 6/21/03
J. Thomas Sopko, 6/21/03
Steven M. Sayers, 6/21/03
Sarah Woolverton, 6/22/03
Kevin Daley, 6/22/03
Ms. Jennifer Snierison, 6/22/03
David L. Capelice, 6/22/03
Barbara Feldscher, 6/22/03
Mark R. Goldweitz, 6/22/03
Alison Joseph, 6/22/03
Janet Hurwitz, 6/22/03

Norman Block, 6/22/03
Adam L. Berger, 6/22/03
Dorothy Bowmer, 6/22/03
Lorraine Andrews, 6/22/03
John Herbert, 6/22/03
Paul R. Miller, 6/23/03
Linda K. Lucas, 6/23/03
Michael Bonner, 6/23/03
Joseph Laurano, 6/23/03
Josef F. Rettman, 6/23/03
Building & Construction Trades Council of the Metropolitan
District, 6/23/03
Sheet Metal Workers' International Assoc., 6/23/03
Francois L. Poulet, 6/23/03
Phil Pennellatore, 6/23/03
Jorge Dias, 6/23/03
Heather Dunphy, 6/23/03
BRA, 6/23/03
Gail Latimore, 6/23/03
Metropolitan Boston, 6/23/03
John M. Cappellano, 6/23/03
Martha M. Walz, 6/23/03
Peter C. Shults, 6/23/03
Plumbers & Gasfitters Local 12 Boston, 6/23/03
Edward Dusek, 6/23/03
Anne F. Devereaux, 6/23/03
John R. Devereaux, 6/23/03
Jacquelin McBride, 6/23/03
Charles R. Levin, 6/23/03
DEP/Boston, 6/23/03
The Ellis South End Neighborhood Assoc., 6/23/03
Michael Jarmolowsky, 6/23/03
Janet Hurwitz, 6/23/03
Shirley Kressel, 6/23/03
Boston Groundwater Trust, 6/23/03
Todd Davis, 6/23/03
Ann von der Lippe, 6/23/03
Jeffrey A. Hoffman, 6/23/03
J. Komarow, 6/23/03
Cathy G. Nairne, 6/23/03
Neighborhood Assoc. of Back Bay, 6/23/03
Robert J. Hartmann, 6/23/03
Adaptive Environments, 6/23/03
Robert J. Taylor, 6/23/03
Deborah S. Tamulis, 6/23/03
Local Union 379, 6/23/03
Roseann M. Colot, 6/23/03
Kara Morgan, 6/23/03

David F. Crowley, 6/23/03
Anthony O. Gordon, 6/23/03
Nathaniel G. Butler, 6/23/03
MAPC, 6/23/03
Daniel Guzas, 6/23/03
Fred Mauet, 6/23/03
City Councilor Michael P. Ross, 6/23/03
City Councilor Stephen J. Murphy, 6/23/03
BED, 6/24/03
Deborah S. Tamulis, 6/24/03
Patricia M. Quinn, 6/24/03
Frances Lessin Duffy, 6/24/03
Epsilon Assoc., 6/25/03
BRA, 6/25/03
CLF, 6/27/03

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